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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,981	03/23/2005	Jens-Marie Vau	85052DAN	6374
1333 7590 06/08/2009 EASTMAN KODAK COMPANY PATENT LEGAL STAFF 343 STATE STREET ROCHESTER, NY 14650-2201			EXAMINER KIM, HEE SOO	
			ART UNIT 2457	PAPER NUMBER
			MAIL DATE 06/08/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/528,981

Applicant(s)

VAU ET AL.

Examiner

HEE SOO KIM

Art Unit

2457

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3, 11 and 14-27 is/are pending in the application.
- 4a) Of the above claim(s) 1, 2, 4-10, 12 and 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3, 11 and 14-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is responsive to RCE filed on April 8th, 2009.

Claims 3, 11, and 14~27 are presented for examination.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/23/08 has been entered.

Response to Amendment

Claims 1, 2, 4~10, 12, and 13 have been cancelled.

Claims 3 and 11 have been amended.

Claims 14~27 have been newly added.

The specification has been amended to replace the paragraph on page 2, line 20. The specification is entered and no new matter is introduced.

Response to Arguments

Applicant's arguments with respect to claims 3, 11, and 14~27 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 3, 11, and 14~27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Subrahmanyam (U.S 5,732,214) in view of 'Official Notice'.

Regarding Claim 14,

Subrahmanyam taught a network connected server computer implemented method for communicating a multimedia message from a first hand held computing device to a second hand held computing device over the network, the method comprising the steps of:

in response to the receiving step automatically storing archive account subscription data for the recipient (Col. 11, Ln. 14~21);

automatically accessing a database to identify whether the second hand held device is subject to an archive subscription (Col. 4, Ln. 41~45, login procedure without user intervention and using device identification code; Col. 11, Ln. 14~21), including performing:

automatically archiving for an indefinite period of time the multimedia message if the second hand held device is subject to an archive subscription (Col. 4, Ln. 33~35; Col. 5, Ln. 11~12).

Subrahmanyam did not teach receiving the multimedia message sent over the network by a sender using the first hand held computing device, the multimedia message intended for a recipient using the second hand held computing device, the multimedia message including a network address of the recipient; storing the multimedia message, including storing an electronic address of the first hand held computing device, an electronic address of the second hand held computing device, and notifying the recipient over the network that the multimedia message has been

received from the sender, including sending a notification to the second hand held computing device.

However, Examiner takes official notice that receiving a message by a sender, storing the received message in a local storage of the recipient's device (which also includes the sender's address for identification purposes), and being notified of such message is well-known to one of ordinary skill in the art since sending a message to an intended recipient requires knowing the address of the recipient. Furthermore, a message arrival notification would further allow the recipient to act on the received message quickly instead of manually checking for any messages received.

Regarding Claim 3,

Subrahmanyam taught the step of automatically extracting a part of the content of the multimedia message before the step of archiving the multimedia message (Col. 12, Ln. 30~35, file processing (i.e. extraction) is performed on the data to be archived).

Regarding Claim 11,

Subrahmanyam taught the step of sending the recipient a dynamic link to a user account of the recipient (Col. 11, Ln. 14~21).

Regarding Claim 15,

Subrahmanyam taught the step of transcoding an image in the multimedia message so that the image is adapted to a display in the second hand held computing device (Col. 6, Ln. 30~34).

Regarding Claim 19,

Subrahmanyam taught the part of the content of the multimedia message includes a text character (Col. 11, Ln. 33~38, server performs any data processing (implies data can be an image, text, and/or audio) requested by user).

Regarding Claim 20,
Subrahmanyam taught the part of the content of the multimedia message includes an audio segment (Col. 11, Ln. 33~38, server performs any data processing (implies data can be an image, text, and/or audio) requested by user).

Regarding Claims 26 and 27,
Subrahmanyam taught the receiving computing device has insufficient memory for storing the multimedia message (Col. 7, Ln. 41~47).

Regarding Claims 16~18, 21~25, the claims are rejected as being similar in scope to claims 3, 11, 14, 15, 19 and 20 and therefore, rejected under the same rationale.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HEE SOO KIM whose telephone number is (571)270-3229. The examiner can normally be reached on Monday - Thursday 8:00AM - 5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. K./
06/02/09

/ARIO ETIENNE/
Supervisory Patent Examiner, Art Unit 2457